

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 462 OF 2016

Sahida Begam Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">06</p> <hr/> <p>12.03.2018</p>	<p><i>For the Applicant : Md. Y. Ali, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. S.N. Ray, Learned Advocate.</i></p> <p><i>For A.G.(A & E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p><i>The applicant has prayed for direction upon the respondents to pay interest @12% p.a. on the amount of gratuity for delay in payment of gratuity by filing the original application under Section 19 of the Administrative Tribunals Act, 1985.</i></p> <p><i>The contention of the applicant is that her husband Abu Gaffar Ali was allowed to retire on the ground of medical invalidation w.e.f. January 30, 2013 while he was working as Assistant Sub-Inspector of Police attached to North and North Suburban Division, Kolkata Police. The applicant got the amount of gratuity of Rs.446177/- on February 21, 2014. The grievance of the applicant is that the interest on the amount of gratuity was not paid to the applicant in spite of inordinate delay of 1 year and 20 days in releasing the amount of gratuity.</i></p>	

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The question for consideration of the Tribunal is whether the applicant is entitled to get interest on the amount of gratuity and if so, what will be the amount of interest and the period for which the interest is to be paid to the applicant.

Mr. Roy, Learned Counsel representing the State respondents has referred to the order dated August 13, 2013 (Annexure R-1 to the Reply submitted by the State respondents) and submitted that the applicant was permitted to retire on medical invalidation by issuing order on August 13, 2013 and as such there was no scope for considering the case of the applicant for payment of gratuity before August 13, 2013, though the retirement was effective from January 30, 2013.

We fully agree with the above submission of Mr. Roy, but we do not find any cogent reason for non-payment of gratuity within a period of 3 months from August 13, 2013. In view of Memorandum No.9112-F dated September 24, 1979 issued by the Finance Department, Audit Branch, Government of West Bengal, the applicant is entitled to get 5% interest on the amount of gratuity, if the amount of gratuity is not paid within a period of 3 months from the date when the amount of gratuity was

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due. The period for payment of interest will be calculated after lapse of 3 months from the date when the amount of gratuity was due till the end of preceding month when the payment of gratuity was made.

In view of the above Memorandum dated September 24, 1979, the applicant is entitled to get interest on the amount of Rs.446177/- @5% p.a. for the period from November 13, 2013 till January 31, 2014. The respondent no. 5, Deputy Commission of Police, North and North Suburban Sub-Division is directed to complete the process for payment of interest to the applicant as mentioned above within a period of 12 weeks from the date of communication of the order.

With the above direction the original application is disposed of.

Let a plain copy of the order be supplied to all the parties.

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

H.S.

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